

ATTORNEY DOCKET NUMBER: 2003080-0054 (SK-893)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Danishefsky <i>et al.</i> | Examiner: | Canella, K. A. |
| Serial No.: | 09/641,742 | Art Unit: | 1643 |
| Filed: | August 18, 2000 | | |
| Title: | NOVEL GLYCOCONJUGATES, GLYCOAMINO ACIDS, INTERMEDIATES THERE TO, AND USES THEREOF | | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


DECLARATION UNDER 37 C.F.R. § 1.132

I, Samuel J. Danishefsky, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in United States patent application Serial No. 09/641,742, filed August 18, 2000, and entitled "NOVEL GLYCOCONJUGATES, GLYCOAMINO ACIDS, INTERMEDIATES THERE TO, AND USES THEREOF."
2. This Declaration is presented for the purpose of removing from consideration by the Examiner a reference by Danishefsky *et al.*, entitled "□-O-linked Glycoconjugates, Methods of Preparation and Uses Thereof," U.S. Patent 6,660,714, issued December 9, 2003 (the '714 patent). The present Declaration is presented in accordance with *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982) and establishes that the allegedly anticipatory material in the '714 was not invented by another.
3. I am an inventor on the instant application and am also an inventor on the '714 patent.

4. Dalibor Sames, Samuel Hintermann, Xiao-Tao Chen, Jacob B. Schwartz, Peter Glunz, Govindaswami Ragupathi, Philip O. Livingston, Scott Kuduk, and Lawrence Williams are the other co-inventors on the '714 patent. Sames, Hintermann, Chen, Schwartz, Glunz, and Kuduk are not inventors of the claimed invention in the present application. Sames, Hintermann, Chen, Schwartz, Glunz, and Kuduk were working under my direction when they participated in the research which was described in the '714 patent.

5. I, Samuel J. Danishefsky, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.



Samuel J. Danishefsky, Ph.D.

Oct 16 2007

Date